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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,823	09/17/2003	Kazushi Fukuta	116880	4037
25944	7590	10/26/2004		
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			EXAMINER BRASE, SANDRA L	
			ART UNIT 2852	PAPER NUMBER

DATE MAILED: 10/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/663,823

Applicant(s)

FUKUTA ET AL.

Examiner

Sandra L. Brase

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19 and 28 is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-13, 15, 20, 21, 23-25 and 27 is/are rejected.
- 7) ☒ Claim(s) 9, 14, 16-18, 22 and 26 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/17/03</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

1. The drawings are objected to because in figure 12, “82” should be changed to “182”; and “50a” should be changed to “150a”. Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

On line 10 of page 7, “□m” should be changed to “μm”.

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On line 18 of page 21, "13" (both occurrences) should be changed to "113".

On line 18 of page 21, "12" should be changed to "112".

On line 10 of page 23, "□m" should be changed to "μm".

On line 13 of page 32, "218" should be changed to "128".

On line 29 of page 32, "82" should be changed to "182".

On line 18 of page 34, "84" should be changed to "184".

On line 11 of page 39, "103" should be changed to "3".

On line 19 of page 40, "184" should be "184b".

On line 19 of page 40, "185" should be "185b".

On line 20 of page 40, "181" should be "181b".

On line 12 of page 42, "182b" should be changed to "182c".

On line 25 of page 44, "28" should be "128".

Claim Objections

3. Claim 4 is objected to because of the following informalities. Appropriate correction is required.

On line 7 of claim 4, "drum" should be changed to "body".

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2, 5, 10 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Park (US 5,911,101).

6. Park (...101) discloses an image forming apparatus, comprising: a photosensitive body (110); a cleaning member (300) that removes contaminants adhering to a surface of the photosensitive body by contacting and pressing the surface of the photosensitive body; a moving device (210) that moves the cleaning member between a position where the cleaning member contacts the surface of the photosensitive body and a position where the cleaning member is positioned at a distance from the surface of the photosensitive body (col. 3, lines 41-50); and a controller (C) that controls the moving device at a predetermined timing for contacting the cleaning member to the surface of the photosensitive body. The predetermined timing is at a time at which an image forming operation is not performed, and the controller controls the moving device so that the cleaning member contacts the surface of the photosensitive body at the timing (col. 3, line 60 – col. 4, line 51). The cleaning member includes a contacting member that contacts the photosensitive body and a support member that supports the contacting member (figures 3 and 4). The moving member includes a pressing member (250) that presses the cleaning member toward the photosensitive body.

7. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Usui et al. (US 5,083,169).

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8. Usui et al. (...169) discloses an image forming apparatus comprising: a photosensitive body (12); a cleaning member (32) that removes contaminants adhering to a surface of the photosensitive body by contacting and pressing the surface of the photosensitive body; a moving device that moves the cleaning member between a position where the cleaning member is positioned at a distance from the surface of the photosensitive body (col. 2, lines 47-53); and a controller that controls the moving device at a predetermined timing for contacting the cleaning member to the surface of the photosensitive body, where the predetermined timing is a time at which an image forming operation is not performed and at the time at which a predetermined number of sheets has been printed (col. 3, lines 33-46; col. 4, lines 1-11; and col. 5, line 60 – col. 6, line 4). The image forming apparatus further comprises a developing agent holding member (20) that holds a developing agent to be supplied to the photosensitive body; and a transfer device (22) that transfers the developing agent supplied to the photosensitive body onto a recording medium, wherein the controller controls the moving device so that the cleaning member contacts the surface of the photosensitive body after a position, at which the transfer of the developing agent on the photosensitive body to the recording medium is completed, reaches the developing agent holding member (col. 6, lines 8-15). The cleaning member includes a contacting member (34) that contacts the photosensitive body and a support member (38) that supports the contacting member.

9. Claims 23 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Sato et al. (US 6,219,505).

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10. Sato et al. (...505) disclose a contaminant removing member, comprising: a contaminant removing portion (712) that is made of fiber material; and a support member (711) that supports the contaminant removing portion (figures 3 and 4). An elastic body (713) is interposed between the contaminant removing portion and the support portion (col. 40, lines 33-35).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

13. Claims 6-8 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park (US 5,911,101) in view of Hara et al. (US 5,069,128) and Sato et al. (US 6,219,505).

14. Park (...101) discloses the features mentioned previously, but does not disclose the claimed material make-up or the contacting member and the support member. Hara et al.

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(...128) disclose a cleaning device having a contacting member (2) made of a fiber material consisting of a woven fabric or non-woven fabric made from a synthetic resin, natural fibers or wood pulp (col. 1, lines 54-56; and col. 3, lines 16-19), where wood pulp is paper and is also considered to be a cellulosic fiber. It would have been obvious to one of ordinary skill in the art at the time of the invention to have the claimed material for the contacting member, as disclosed by Hara et al. (...128), since it is well known in the art to use such a material for a contacting member to clean a photosensitive body. Sato et al. (...505) disclose an elastic body (713) included in a support for a contacting member of a cleaning device (figure 32). It would have been obvious to one of ordinary skill in the art at the time of the invention to have the claimed elastic body, as disclosed by Sato et al. (...505), since such an elastic body maintains the pressing force of the contacting member at substantially zero and thus prevents filming.

15. Claims 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato et al. (US 6,219,505).

16. Sato et al. (...505) disclose a processing device, comprising: a photosensitive body (21); a photosensitive body support that supports the photosensitive body (figures 1, 2, 6, 12, 24 and 31); and a developing unit (36) that is attached to and detached from the photosensitive body support member; the developing unit comprising: a container (27) that houses a developing agent (T); a developing agent holding member (22) that holds the developing agent; a holding member support member that supports the developing agent holding member (figures 12, 31 and 32); and a contaminant removing member (250 or 710) that is attached to the holding member support member (col. 23, line 57 – col. 24, line 25; col. 39, line 42 – col. 41, line 28; and col. 42, line 58

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– col. 3, line 32). However, Sato et al. (...505) do not disclose that the contaminant removable member is detachably attached. It is considered to be obvious to make integral components separable (In re Dulberg 289 F.2d 522, 523, 129 USPQ 348, 349 (CCPA 1961)). It would have been obvious to one of ordinary skill in the art at the time of the invention to have the contaminant removable member detachably attached, as such is considered to be obvious, so as to be able to replace the contaminant removable member at a different timing than the replacement of the developing unit.

17. Claims 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato et al. (US 6,219,505) in view of Hara et al. (US 5,069,128).

18. Sato et al. (...505) disclose the features mentioned previously, but do not disclose the claimed fiber material of the contacting member. Hara et al. (...128) disclose a cleaning device having a contacting member (2) made of a fiber material consisting of a woven fabric or non-woven fabric made from a synthetic resin, natural fibers or wood pulp (col. 1, lines 54-56; and col. 3, lines 16-19), where wood pulp is paper and is also considered to be a cellulosic fiber. It would have been obvious to one of ordinary skill in the art at the time of the invention to have the claimed material for the contacting member, as disclosed by Hara et al. (...128), since it is well known in the art to use such a material for a contacting member to clean a photosensitive body.

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Allowable Subject Matter

19. Claims 9, 14, 16-18, 22 and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

20. Claims 19 and 28 are allowed.

Prior Art

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yamaguchi (US 6,661,983) disclose a cleaning web made of cellulose fiber.

Yamamoto et al. (US 4,791,455), Haneda et al. (US 5,258,816), Hiroshima et al. (US 5,732,310), Geis et al. (US 5,784,962) and Park (US 5,970,281) disclose a cleaning device that is movable towards and away from a surface to be cleaned.

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sandra L. Brase whose telephone number is (571) 272-2131. The examiner can normally be reached on Monday-Thursday and alternate Fridays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur T. Grimley, can be reached on (571) 272-2136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sandra L. Brase
Primary Examiner
Art Unit 2852

October 25, 2004